

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-27 are pending in the present application. Claims 1, 3-5, 7-9, 11, 17, 20 and 24 have been amended and claims 25-27 have been added by the present amendment.

In the outstanding Office Action, claims 1 and 8 were objected to; claim 24 was rejected under 35 U.S.C. § 112, second paragraph; claims 17 and 18 were rejected under 35 U.S.C. § 102(b) as anticipated by Applicant's admitted prior art (AAPA); claims 1-6, 8-14, 16 and 19-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over AAPA in view of Benveniste; and claims 7 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over AAPA in view of Benveniste and Tiedemann Jr.

Regarding the objection to claims 1 and 8, claim 1 has been amended in light of the comments noted in the outstanding Office Action. Further, regarding claim 8, the outstanding Office Action indicates the words "one of" at the beginning of line 5 should be deleted. However, it is respectfully noted that the phrase "one of" means that either the data packet is transmitted through a dynamically allocated unoccupied one of the plurality of channels for transmission, or each one of the plurality of channels is monitored to determine when the occupied state of one of the plurality of channels is released, if there is no channel in the unoccupied state. Accordingly, it is respectfully requested this rejection be withdrawn.

Further, claim 24 has been amended in light of the comments noted in the outstanding Office Action regarding the rejection of claim 24 under 35 U.S.C. § 112, second paragraph. Accordingly, it is respectfully requested this rejection be withdrawn.

Claims 17 and 18 stand rejected under 35 U.S.C. § 102(b) as anticipated by AAPA. This rejection is respectfully traversed.

Claim 17 is directed to a method for informing a plurality of terminals of an occupied or unoccupied state of channels of a CDMA system. The method includes providing a unique PN code for each one of a plurality of channels used in the CDMA system from a base station to each one of a plurality of terminals in communication with the base station, transmitting a power control signal over an occupied channel using the PN code of the occupied channel, and transmitting an idle signal over an idle channel using the same PN code as the idle channel.

As discussed in the Background of the Related Art, and as shown in Figs. 1 and 2, the related art CDMA packet data system includes a base station 20 and a plurality of terminals 1-N. The plurality of terminals 1-N are typically grouped in as many groups as there are channels used in one base station 20. Channels in the CDMA system are distinguished by unique PN codes. For example, if a system has six terminals 1-6 (*i.e.*, N is 6) and three channels in one base station 20, this base station 20 classifies the six terminals into three groups. Each group uses one channel (see page 1, lines 13-19). The terminals grouped into one channel do not use channels allocated in another group.

For example, with respect to channel A as shown in Fig. 2, terminal 1 detects whether or not channel A is in the idle state in step ST1. If it is determined that channel A is idle, terminal 1

transmits packet data through channel A, as shown in step ST2 (see page 3, lines 1-3). However, when the allocated channel is not idle, the terminal 1 awaits for a channel in group one to become available. That is, when channel A is busy and channel B is idle, the terminals allocated to channel A can not use channel B (see page 4, lines 12 and 13).

The outstanding Office Action indicates AAPA teaches providing a unique PN code for each one of a plurality of channels used in the CDMA system from a base station to each one of a plurality of terminals in communication with the base station. However, as noted above, in AAPA only the channels in group A get the PN codes for group A and vice versa. The channels in group B do not get the PN codes for the channels in group A. Therefore, AAPA does not teach or suggest providing a unique PN code for each one of a plurality of channels used in the CDMA system from a base station to each one of a plurality of terminals in communication with the base station.

Accordingly, it is respectfully submitted independent claim 17 and each of the claims depending therefrom patentably define over AAPA.

Claims 1-6, 8-14, 16 and 19-24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over AAPA in view of Benveniste. This rejection is respectfully traversed.

Similar arguments apply to this rejection as that discussed above. For example, independent claim 1 recites that channel availability information is provided for each of a plurality of channels from a base station to each of a plurality of terminals. Independent claims 8, 17 and 20 include similar features. As discussed above, AAPA does not provide channel availability information for channels in other groups.

Benveniste also does not teach or suggest providing channel availability information for each of a plurality of channels from a base station to each of a plurality of terminals.

Accordingly, it is respectfully submitted independent claims 1, 8, 17 and 20 and each of the claims depending therefrom patentably define over AAPA in view of Benveniste.

Further, it is respectfully submitted the rejection of claims 7 and 15 as noted in the outstanding Office Action has also been overcome as these claims are dependent claims and Tiedemann Jr. also does not teach or suggest the features discussed above.

In addition, new claims 25-27 have been added to set forth the invention in a varying scope, and Applicant submits the new claims are supported by the originally filed specification. It is respectfully submitted the new claims are allowable for similar reasons as discussed above.

### **CONCLUSION**

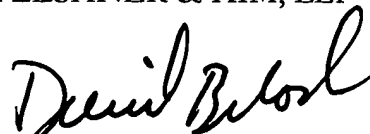
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

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Docket No. P-0136

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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